

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8875 of 2020

Arising Out of PS. Case No.-353 Year-2019 Thana- BAHADURGANJ District- Kishanganj

SHEELA DEVI Wife of Late Panna Lal Singh Resident of Village- Konch
Basti Ward No. 10, P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends her arrest in connection with Bahadurganj P.S. Case No. 353 of 2019, giving rise to Special Case No. 443 of 2019, C.I.S. no. 443 of 2019 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 8 liters of illicit liquor from the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and since the alleged recovery has, though been made from the house of the petitioner but in her absence, the same is not attributable to the petitioner herein.



Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, this Court finds that since the illicit liquor has been recovered from the house of the petitioner, the provisions of the Bihar Prohibition and Excise Act, 2016 are attracted, hence, considering the bar under Section 76(2) of the said Act, 2016, this Court is of the view that the present petition is not maintainable, therefore, it is dismissed.

However, it is directed that in case the petitioner surrenders in the court below within a period of four weeks from today and applies for regular bail, in connection with Bahadurganj P.S. Case No. 353 of 2019, giving rise to Special Case No. 443 of 2019, the learned court of Additional District and Sessions Judge-2nd -cum- Special Judge, Excise, Kishanganj, shall consider and dispose of the petition of the petitioner herein for grant of regular bail on the very same day, considering that the fact that a meager quantity of illicit liquor has been recovered from the house of the petitioner.

(Mohit Kumar Shah, J)

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